

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROBERT O. BRAY,

Plaintiff,

v.

THURSTON COUNTY CORRECTIONAL
FACILITY, *et al*,

Defendants.

Case No. C07-5368RBL-KLS

ORDER REGARDING
PLAINTIFF'S REQUEST TO
CONTINUE

This matter has been referred to Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1), Local Magistrates Rules MJR 3 and 4, and Rule 72 of the Federal Rules of Civil Procedure. The case is before the Court upon plaintiff's filing of a request with the Clerk to continue this matter. (Dkt. #9). After reviewing plaintiff's request and the balance of the record, the Court finds and orders as follows:

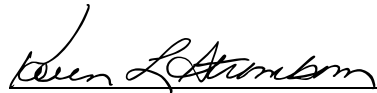
On November 1, 2007, the Court found plaintiff's complaint to be deficient in that he had failed to allege any facts showing how individually named defendants caused or personally participated in causing the harm he alleges in his complaint. (Dkt. #8). The Court also found plaintiff had failed establish that the Thurston County Correctional Facility was liable under section 1983. The Court thus stated that it would not serve the complaint, and gave plaintiff until December 1, 2007, to file an amended complaint, curing, if possible, those deficiencies, or show cause explaining why this matter should not be dismissed.

1 On November 14, 2007, the Clerk received a letter from plaintiff stating that he currently was not
2 in possession of certain "Grievance paperwork" he had filed while at the Thurston County Jail, and asking
3 that this matter be continued to allow his family to collect and send to him his paperwork, and to allow
4 him to send it to the Court along with his amended complaint. (Dkt. #9). Plaintiff, however, does not
5 state how long he will need to accomplish these tasks. On November 30, 2007, furthermore, plaintiff
6 filed an amended complaint. (Dkt. #10). As such, it appears plaintiff's request is moot.

7 Although not in proper form, the Court shall treat plaintiff's request as a motion for extension of
8 time to respond to the order to show cause. In addition, because, as noted above, plaintiff now has filed
9 an amended complaint in response to the Court's order to show cause, plaintiff's request for a
10 continuance (Dkt. #9) hereby is DENIED.

11 The Clerk is directed to send a copy of this Order to plaintiff.

12 DATED this 7th day of December, 2007.

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16 Karen L. Strombom
17 United States Magistrate Judge
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